

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|   |   |                            |
|---|---|----------------------------|
| -----X                                    | ) |                            |
| In re                                     | ) | Chapter 11                 |
|   | ) |                            |
| GARDEN RIDGE CORPORATION,                 | ) | Case No. 04-10324 (KJC)    |
| <i>et al.</i>                             | ) |                            |
|   | ) | Jointly Administered       |
| Debtors.                                  | ) |                            |
| -----X                                    | ) |                            |
| DANIEL FERGUSON,                          | ) |                            |
|   | ) |                            |
| Appellant                                 | ) | Case No. 06-CV-00213 (GMS) |
|   | ) |                            |
| v.  | ) |                            |
|   | ) |                            |
| GARDEN RIDGE CORPORATION, <i>et al.</i> , | ) |                            |
|   | ) |                            |
| Appellees                                 | ) |                            |
| -----X                                    | ) |                            |

**STIPULATED ORDER EXTENDING BRIEFING SCHEDULE**

WHEREAS, on February 20, 2006, Daniel Ferguson, as appellant herein (the “Appellant”) filed the instant appeal (the “Appeal”) from the *Memorandum of Opinion and Order* (the “Order”) and related *Judgment* (the “Judgment”) of the Honorable Randolph Baxter, entered on February 14, 2006 [*see* Docket Nos. 2064 & 2066], in the above-captioned bankruptcy cases of Garden Ridge Corporation, *et al.*, the above-captioned appellees (collectively, the “Appellees”); and

WHEREAS, pursuant to this Court’s General Order (the “General Order”) dated July 23, 2004, the Appeal was referred to mediation; and

WHEREAS, on May 19, 2006, the parties appeared before the selected mediator, William H. Suddell, Jr., Esq., and, in good faith, attempted to resolve the issues raised in the Appeal; and

WHEREAS, despite such good faith efforts by the parties, the mediation did not result in a resolution of the Appeal, thus, by letter dated May 22, 2006, Mr. Suddell reported to this Court that mediation of the Appeal had not achieved a resolution; and

WHEREAS, pursuant to the General Order and Rule 8009(a)(2) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), Appellant has fifteen (15) days, or until June 7, 2006, to file their opening brief in the Appeal (the "Opening Brief"); and

WHEREAS, pursuant to Bankruptcy Rule 8009(a)(2), Appellees have fifteen (15) days from the date of service of the Opening Brief to file and serve their answering brief (an "Answering Brief"); and

WHEREAS, pursuant to Bankruptcy Rule 8009(a)(3), Appellants have ten (10) days from the date of service of Appellees' Answering Brief to file a reply brief (the "Reply Brief"); and

WHEREAS, the parties have agreed that the time for filing the Opening Brief shall be extended to June 21, 2006; and

WHEREAS, the parties have further agreed that Appellees' shall file and serve their Answering Brief on or before July 11, 2006; and

WHEREAS, the parties have further agreed that Appellant shall file and serve his Reply Brief on or before July 26, 2006; and

NOW, THEREFORE, based upon the foregoing, it is hereby stipulated by undersigned counsel that:

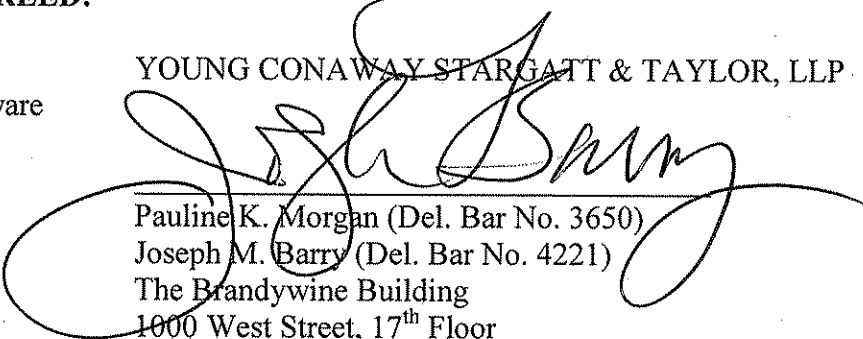
1. The time period for filing the Opening Brief shall be extended to June 21, 2006; and
2. Appellees' Answering Brief shall be filed and served on or before July 11, 2006;

3. Appellant's Reply Brief shall be filed and served on or before July 26, 2006; and
4. Entry of this Stipulation shall be without prejudice to the parties' rights to seek to further modify the briefing schedule set forth herein.

**STIPULATED AND AGREED:**

Dated: May 24, 2006  
Wilmington, Delaware

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Counsel for Appellees

Dated: May 24, 2006

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Counsel for Appellant

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Gregory M. Sleet  
United States District Judge